

### **Remarks/Arguments**

Applicant thanks the Examiner for careful consideration of the application.

Applicant notes, with appreciation, that claim 49 has been allowed.

Applicant amends claims 1, 22, 45, 49-50, 52-53, 57, and 60. Applicant has amended claim 1 to include all of the limitations of objected to dependent claim 2. Applicant has amended claim 22 to depend from claim 21. Applicant has amended objected to claim 45 to include all of the limitations of base claim 1 before amending claim 1 in this response. Applicant has amended claim 49 to correct the typographical error of a missing ":" after the transitional word "comprising." Applicant has amended claim 50 to include all of the limitations of objected to dependent claim 51. Applicant has amended claims 52 and 53 to change the dependency to new claim 62. Applicant has amended claim 57 to include all of the limitations of objected to dependent claim 58. Applicant has amended claim 60 to correct an improper antecedent basis replacing - an- with "said" in front of essentially uniformly thick tantalum layer.

Applicant adds new claim 62. Applicant notes support for new claim 62 can be found in at least Fig. 3 and corresponding text in the specification. Applicant asserts no new matter has been entered.

Applicant cancels claims 2, 51, and 58.

#### **I. Claim Rejections 35 U.S.C. §112:**

Examiner has rejected claims 22 and 23 under 35 U.S.C. §112 second paragraph. Applicant has amended claim 22 to depend from claim 21. Applicant notes that claim 23 properly depends from claim 22 thus, Applicant is unsure why Examiner has objected to claim 23. Applicant believes this amendment overcomes Examiner's objection. Therefore, Applicant respectfully requests Examiner withdraw the objection of claims 22 and 23.

## **II. Rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a):**

Examiner, on page 3 of the Office Communication has rejected claims 1, 3-10, 15, 19-22, 25-26, 40, 44, 50, 57, and 60-61 under 35 U.S.C. §102(b) as being anticipated by Morita et al. (U.S. Patent No. 5,274,482, "Morita") This rejection is respectfully traversed with regard to claims 1, 3-10, 15, 19-22, 25-26, 40, 44, 50, 57, and 60-61 because all of the elements of the claimed invention are not present in the cited references. In addition Examiner on page 4 of the Office Communication has rejected claims 5, 19, 20, 24, and 29-35 under 35 U.S.C. §103(a) as being unpatentable over Morita et al. This rejection is respectfully traversed with regard to claims 5, 19, 20, 24, and 29-35 since neither Morita nor Examiner's comments taken either individually, or in combination therewith, renders Applicant's claimed invention obvious under 35 U.S.C. §103(a). In particular, if Examiner does not allow the claims as amended then Applicant respectfully requests Examiner either cite a second prior art reference or provide a more reasoned explanation based on sound technical reasoning. In addition, if Examiner is relying on personal knowledge in making any of the 35 U.S.C. §103(a) rejections then Applicant respectfully requests Examiner provide an affidavit so indicating.

In addition, Applicant believes that the amendments made to amended independent claims 1, 50, and 57 make Examiner's rejection of claims 1, 3-10, 15, 19-22, 25-26, 40, 44, 50, 57, and 60-61 as being anticipated by Morita moot. Accordingly, Applicant believes that the rejection of claims 1, 3-10, 15, 19-22, 25-26, 40, 44, 50, 57, and 60-61 has been overcome. Therefore, Applicant respectfully requests the Examiner withdraw the rejection of claims 1, 3-10, 15, 19-22, 25-26, 40, 44, 50, 57, and 60-61 based on Morita under 35 U.S.C. § 102(b).

Dependent claims 3-10, 15, 19-22, 24-26, 29-35, 40, 44, and 60-61 are dependent upon independent claims 1, 57, and new claim 62, and therefore are believed to be allowable as dependent upon a believed allowable claim. Accordingly, Applicant believes that the rejection of claims 3-10, 15, 19-22, 24-26, 29-35, 40, 44, and 60-61 has been overcome. Therefore, Applicant respectfully requests that the Examiner

withdraw the rejection of dependent claims 3-10, 15, 19-22, 24-26, 29-35, 40, 44, and 60-61 under 35 U.S.C. § 102(b) in respect to Morita.

**III. Allowable subject matter:**

Applicant acknowledges Examiner has allowed claim 49, and that Examiner has objected to claims 2, 11-14, 16-18, 27-28, 36-39, 42-43, 45-48, 51-53, and 58-59 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As noted above Applicant has amended claim 1 to include all of the limitations of objected to dependent claim 2. Applicant has amended objected to claim 45 to include all of the limitations of base claim 1 before amending claim 1 in this response. Applicant has amended claim 50 to include all of the limitations of objected to dependent claim 51. Applicant has amended claim 57 to include all of the limitations of objected to dependent claim 58.

Therefore, in view of the foregoing Amendment and Remarks, Applicant believes the present application to be in a condition suitable for allowance. Examiner is respectfully urged to withdraw the rejections, reconsider the present Application in light of the foregoing Amendment, and pass the amended Application to allowance.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicant's representative at (541) 715-1694 to discuss the steps necessary for placing the application in condition for allowance.

Favorable action by the Examiner is solicited.

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Respectfully submitted,  
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